

COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION

ONE WINTER STREET, BOSTON, MA 02108 617-292-5500

February 2, 2006

In the Matter of
Texon USA

Docket No. 2005-213
File No. MA0005282
Russell

RECOMMENDED FINAL DECISION

By letter dated January 26, 2006, the petitioner, Texon USA, withdrew its request for an adjudicatory hearing in the above referenced NPDES permit appeal. I recommend the request to withdraw be allowed and the appeal be dismissed as moot, pursuant to 310 CMR 1.01(6)(e) and 310 CMR 1.01(5)(a)(15)f.ii.

NOTICE

This decision is a recommended final decision of the Presiding Officer. It has been transmitted to the Commissioner for his final decision in this matter. This decision is therefore not a final decision subject to reconsideration under 310 CMR 1.01(14)(e), and may not be appealed to Superior Court pursuant to M.G.L. c.30A. The Commissioner's final decision is subject to rights and reconsideration and will contain a notice to that effect.

Because this matter has now been transmitted to the Commissioner, no party shall file a motion to renew or reargue this recommended final decision or any part of it, and no party shall



communicate with the Commissioner's office regarding this decision unless the Commissioner, in his sole discretion, directs otherwise.

This final document copy is being provided to you electronically by the
Department of Environmental Protection. A signed copy of this document
is on file at the DEP office listed on the letterhead.

Ann Lowery
Presiding Officer

Adopted by Commissioner Robert W. Golledge, Jr., February 7, 2006.